



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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To all Wisconsin town, village, city, and county government officials

Subject: New groundwater legislation, 2003 Wisconsin Act 310

Dear Local Government Official:

On Earth Day, April 22, 2004, Governor Doyle signed a new groundwater protection law (2003 Wisconsin Act 310) that expands the State's authority to consider environmental impacts of high capacity wells and takes the first step in addressing regional water quantity issues in Southeastern Wisconsin and the Lower Fox River Valley. In addition, the law creates more oversight of well construction activities and establishes a Groundwater Advisory Committee to recommend strategies for groundwater management and future legislation.

Many of you may be wondering how the new law will affect your community, or have received inquiries from your constituents. This letter is intended to summarize the basics of the new legislation and to answer some questions about how the new provisions affecting both high capacity and private wells will be implemented. To be clear, the earliest we anticipate any of the new provisions to be implemented is January of 2005. First, the Department must work through a separate appropriation process to obtain the necessary staff positions and funding to implement the new programs created by the law. We must also write administrative rules to provide further guidance on various aspects of the new regulations. We will provide ample notification when the various requirements go into effect.

Here are some of the highlights of the new legislation:

- 1) **Notification of new well construction:** The law requires all well owners to notify the DNR when a new well is to be constructed, whether it is a high capacity well (pumping more than 100,000 gallons per day) or a private, domestic well. Owners of high capacity wells will need to obtain DNR approval, as is currently the case, while domestic well owners will simply need to provide information on the proposed location.
- 2) **Fees:** One-time fees of \$500 for a high capacity well, and \$50 for non-high capacity wells (including private wells) will be collected along with the notification. The fees will directly support the administration of the new law, including tracking well construction, review of high capacity well applications, collection of groundwater data, and increased inspections and enforcement of well construction activities, helping to ensure a safe drinking water supply.
- 3) **Water use reporting:** The law requires all high capacity well owners, including those with existing approvals, to report to us the amount of water pumped on an annual basis. It is our intention to make the reporting process as simple and user-friendly as possible.
- 4) **Expanded regulation of wells:** The law requires DNR to complete a review (under ch. NR 150, Wis. Adm. Code), for the following proposed high capacity wells:

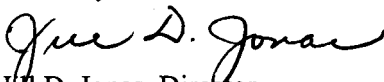
- Wells located within 1,200 feet of an outstanding or exceptional resource water or a trout stream
- Wells that may have a significant environmental impact on a high volume spring
- Wells where more than 95% of the water will be lost from the basin

In these cases, DNR may allow, deny or limit an approval to assure that these wells do not cause significant environmental impact. We currently receive about 200 applications per year, and estimate that only 6-12 of these will undergo expanded review.

- 5) Protections for public water utility wells. The DNR must weigh the public health and safety benefits of a proposed well if it is to be used for a public water supply. The DNR must also ensure that a public utility's water supply is not impaired by another high capacity well.
- 6) Groundwater management areas: The law directs the DNR to establish two groundwater management areas in Southeastern Wisconsin and the Lower Fox River Valley. The intention of these areas is to encourage a coordinated management strategy among the State, local government units, regional planning commissions, and public and private users of groundwater to address problems caused by over-pumping of the deep aquifer, including water quality problems.
- 7) Groundwater Advisory Committee: The law establishes a Groundwater Advisory Committee representing municipal, environmental, agricultural and industrial interests, and directs it to review the implementation of the new high capacity well regulations and recommend further changes. In addition, the Committee is charged with recommending management strategies within groundwater management areas, additional areas within the state that should be designated, and criteria for removing the designation.

This legislation is a significant first step in developing a comprehensive approach to groundwater management for the State. It also creates a particular role for local government and recognizes that many decisions must be made on the local and regional level. We will do our best to keep you informed as the process moves along, and we encourage you to stay engaged and provide input during the rule writing stage. We encourage you to follow the deliberations of the Groundwater Advisory Committee and we look forward to working with you in the future.

Sincerely:



Jill D. Jonas, Director  
Bureau of Drinking Water & Groundwater